

# THE PORTAGE SENTINEL

VOL. 9, NO. 34.

RAVENNA, WEDNESDAY, FEBRUARY 15, 1854.

WHOLE NO. 451.

## THE PORTAGE SENTINEL.

BY SAMUEL D. HARRIS, JR.

One year, payable within six months. \$1.50  
One year, payable after the expiration of six months. 2.00  
One year, payable after the expiration of six months. 2.50  
One year, payable after the expiration of six months. 3.00

### SPEECH OF SENATOR DOUGLASS, On the Bill to organize the Territories of Nebraska and Kansas.

Mr. DOUGLASS said: Mr. President, when I proposed on Tuesday last, that the Senate should proceed to the consideration of the bill to organize the Territories of Nebraska and Kansas, it was my purpose only to occupy ten or fifteen minutes in explanation of its provisions. I desired to refer to two points, first as to those provisions relating to the Indians, and second to those which might be supposed to bear upon the question of slavery.

The committee, in drafting this bill, had in view the great anxiety which had been expressed by some members of the Senate to protect the rights of the Indians, and prevent any infringement upon them. By the provisions of the bill, I think we have so clearly succeeded in that respect as to obviate all possible objection upon that score. The bill itself provides that it shall not operate upon any of the rights of the lands of the Indians; nor shall they be included within the limits of those Territories, until they shall, by treaty with the United States, expressly consent to come under the operations of the act, and be incorporated within the limits of the Territories. This provision certainly is broad enough, clear enough, explicit enough, to protect all the rights of the Indians as to their persons and their property.

Upon the other point—that pertaining to the question of slavery in the Territories—it was the intention of the committee to be equally explicit. We took the principles established by the compromise act of 1850 as our guide, and intended to make each and every provision of the bill accord with those principles. Those measures established and rest upon the great principle of self-government; that the people should be allowed to decide the questions of their domestic institutions for themselves, subject only to such limitations and restrictions as are imposed by the Constitution of the United States, instead of having them determined by an arbitrary geographical line.

The original bill reported by the committee, as a substitute for the bill introduced by the Senator from Iowa, [Mr. DONOR], was believed to have accomplished this object. The amendment which was subsequently reported by us was only designed to render that clear and specific which seemed, in the minds of some, to admit of doubt and misconception. In some parts of the country the original substitute was deemed and construed to be an amendment or repeal of what has been known as the Missouri compromise, while in other parts it was otherwise construed. As the object of the committee was to conform to the principles established by the compromise measures of 1850, and to carry those principles into effect in the Territories, we thought it was better to recite in plain language what we understood to have been accomplished by those measures, viz: that the Missouri compromise, having been superseded by the legislation of 1850, has become operative, and hence we propose to leave the question to the people of the States and the Territories, subject only to the limitations and provisions of the Constitution.

Sir, this is all that I intended to say, if the question had been taken up for consideration on Tuesday last; but since that time circumstances have transpired which compel me to go more fully into the discussion. It will be borne in mind that the Senator from Ohio [Mr. CHASE] then objected to the consideration of the bill, and asked for its postponement until this day, on the ground that there had not been time to understand and consider its provisions; and the Senator from Massachusetts [Mr. SUMNER] suggested that the postponement should be for one week, for that purpose. These suggestions seemed to be reasonable to Senators around me, I yielded to their requests, and consented to the postponement of the bill until this day.

Sir, little did I suppose at the time that I granted that act of courtesy to those two Senators, that they had drafted and published to the world a document, over their own signatures, in which they arranged me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith, and been engaged in an atrocious plot against the cause of free government. Little did I suppose that those two Senators had been guilty of such conduct when they called upon me to grant that courtesy, to give them an opportunity of investigating the substitute reported from the committee. I have since discovered that on that very morning the National Era, the Abolition organ of this city, contained an address, signed by certain abolition confederates, to the people, in which the bill is grossly misrepresented, in which the action of the members of the committee is grossly falsified, in which our motives are arraigned, and our characters calumniated. And, sir, what is more, I find that there was a postscript added to the address, published that very morning, in which the principal amendment reported by the committee was set out, and then coarse epithets applied to me by name. Sir, had I known those facts at the time I granted that act of indulgence, I should have responded to the request of those Senators in such terms as their conduct deserved, so far as the rules of the Senate, and a respect for my own character, would have permitted me to do. In order to show the character of this document—of which I shall have much to say in the course of my argument—I will read certain passages:

"We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region of the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves."

A SENATOR. By whom is the address signed?

Mr. DOUGLASS. It is signed "S. D. Harris, Jr., Senator from Ohio; Charles Sumner, Senator from Massachusetts; J. R. Giddings and Edward Wade, Representatives from New York; Gerrit Smith, Representative from New York; Alexander DeWitt, Representative from Massachusetts," including, as I understand, all the Representatives from the Abolition party in Congress.

Then speaking of the Committee on Territories, the confederates use this language:

"The pretences, therefore, that the territory, covered by the positive prohibition of 1850, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the compromise of 1850 requires the incorporation of the pro-slavery clause of the Utah and New Mexico bill in the Nebraska act, are mere inventions, designed to cover up from public representation a malignant faith."

"More inventions to cover up bad faith." Again: "Sordid demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery."

Then there is a postscript added, equally offensive to myself, in which I am mentioned by name.

The address goes on to make an appeal to the Legislatures of the different States, to public meetings, and to ministers of the Gospel in their pulpits, to interpose and arrest the vile conduct which is about to be consummated by the Senators who are thus denounced. That address, sir, bears date Sunday, January 23, 1854. Thus it appears that on the holy Sabbath, while other Senators were engaged in attending divine worship, these abolition confederates were assembled in secret convocation, plotting by what means they should deceive the people of the United States, and prostrate the character of brother Senators. This was done on the Sabbath day, and by a set of politicians, to advance their own political and ambitious purposes, in the name of our holy religion.

But this was not all. It was understood from the newspapers that resolutions were pending before the Legislature of Ohio, proposing to express their opinions upon this subject. It was necessary for these confederates to get up some exposition of the question by which they might facilitate the passage of the resolution through that Legislature. Hence, you find that on the same morning that this document appears over the names of these confederates in the abolition organ of this city, the same document appears in the New York papers—certainly in the Tribune, Times, and Evening Post—in which it is stated, by authority, that it is "signed by the Senators and a majority of the Representatives from the State of Ohio;" a statement which I have every reason to believe was utterly false, and known to be so at the time that these confederates appended it to the address. It was necessary, in order to carry out this work of deception, and to hasten the action of the Ohio Legislature, under a misapprehension, to state that it was signed, not only by the abolition confederates, but by the whole Whig representation, and a portion of the Democratic representation in the Ohio House from the State of Ohio.

Mr. CHASE. Mr. President, I do not yield the floor. A Senator who has violated all the rules of courtesy and propriety—who showed a consciousness of the character of the act he was doing by concealing from me all knowledge of the fact—who came to me with a smiling face, and the appearance of friendship, even after that document had been uttered—who could get up in the Senate and appeal to my courtesy in order to get time to give the document a wider circulation before its infamy could be exposed; such a Senator has no right to my courtesy upon this floor.

Mr. CHASE. Mr. President, the Senator mistakes the facts.

Mr. DOUGLASS. Mr. President, I decline to yield the floor.

Mr. CHASE. And I shall make my denial pertinent when the time comes.

The PRESIDENT. Order.

Mr. DOUGLASS. Sir, if the Senator does interpose, in violation of the rules of the Senate, to a denial of the fact, it may be that I shall be able to nail that denial, as I shall the statements here which are over his own signature, as a base falsehood, and prove it by the solemn legislation of this country.

Mr. CHASE. I call the Senator to order.

The PRESIDENT. The Senator from Illinois is certainly out of order.

Mr. DOUGLASS. Then I will only say that I shall confine myself to this document, and prove its statements to be false by the legislation of the country. Certainly that is in order.

Mr. CHASE. You cannot do it.

Mr. DOUGLASS. The argument of this manifesto is predicated upon the assumption that the policy of the fathers of the Republic was to prohibit slavery in all the territory ceded by the old States to the Union and made United States territory, for the purpose of being organized into new States. I take issue upon that statement. Such was not the practice in the early history of the Government. It is true that in the territory north-west of the Ohio river, slavery was prohibited by the ordinance of 1787; but it is also true that in the territory south of the Ohio river, to wit: the Territory of Tennessee, slavery was permitted and protected; and it is also true, that in the organization of the Territory of Mississippi, in 1798, the provisions of the ordinance of 1787 were applied to it, with the exception of the sixth article, which prohibited slavery. Then, sir, you find upon the State-books under Washington and the early Presidents, provisions of law showing that the territory south of the Ohio river, which was the territory of the north-west territories it was prohibited. The only conclusion that can be fairly and honestly drawn from that legislation is, that it was the policy of the fathers of the Republic to prescribe a line of demarcation between free territories and slaveholding territories by a natural or a geographical line, being sure to make that line correspond, as near as might be, to the laws of climate, of production, and probably of all those other causes which would control the institution and make it either desirable or undesirable to the people inhabiting the respective territories.

Sir, I wish you to bear in mind, that the geographical line established by the founders of the Republic, between free Territories and slave Territories, extended as far westward as our territory then reached, the object being to avoid all agitation upon the slavery question by settling that question forever, so far as our territory extended, which was then to the Mississippi river.

When, in 1803, we acquired from France the Territory known as Louisiana, it became necessary to legislate for the protection of the inhabitants residing therein. It will be seen by looking into the bill establishing the territorial government in 1805 for the Territory of New Orleans, embracing the same country now known as the State of Louisiana, that the ordinance of 1787 was expressly extended to that territory, excepting the sixth section, which prohibited slavery. Then that act implied that the Territory of New Orleans was to be a slaveholding Territory by making that exception in the law. But, sir, when they came to form what was then called the territory of Louisiana, subsequently known as the territory of Missouri, north of the thirty-third parallel, they used different language. They did not extend the ordinance of 1787 to it at all. They first provided that it should be governed by laws made by the governor and the judges; and when, in 1812, Congress gave to that Territory, under the name of the Territory of Missouri, a territorial government, the people were allowed to do as they pleased upon the subject of slavery, subject only to the limitations of the Constitution of the United States. Now, what is the inference from that legislation? That slavery was, by implication, recognized south of the thirty-third parallel, and north of that the people were left to exercise their own judgment and do as they pleased upon the subject, without any implication for or against the existence of the institution.

This continued to be the condition of the country in the Missouri Territory up to 1820, when the celebrated act which is now called the Missouri compromise act was passed. Slavery did not exist in, nor was it excluded from, the country now known as Nebraska. There was no code of laws upon the subject of slavery either way. First, for the reason that slavery had never been introduced into Louisiana, and established by positive enactment. It had grown up there by a sort of common-law and been supported and protected. When a common law grows up, when an institution becomes established under a usage, it carries it so

far as that usage actually goes, and no further. If it had been established by direct enactment, it might have carried it so far as the political jurisdiction extended; but, be that as it may, by the act of 1812, creating the Territory of Missouri, that Territory was allowed to legislate upon the subject of slavery as it saw proper, subject only to the limitations which I have stated; and the country not inhabited or thrown open to settlement was set apart as Indian country, and rendered subject to Indian laws. Hence the local legislation of the State of Missouri did not extend to Indian country, but was excluded from it by the Indian code and Indian laws. The municipal regulations of Missouri could not go there until the Indian title had been extinguished, and the country thrown open to settlement. Such being the case, the only legislation in existence in Nebraska Territory at the time that the Missouri act was passed, namely, the 6th of March, 1820, was a provision in effect, that the people should be allowed to do as they pleased upon the subject of slavery.

The Territory of Missouri having been left in the legal condition, positive opposition was made to the bill to organize the State government, with a view to its admission into the Union; and a Senator from my State, Mr. Jesse B. Thomas, introduced an amendment, known as the eighth section of the bill, in which it was provided that slavery should be prohibited north of 36 deg. 30 min. north latitude, in all that country which we had acquired from France. What was the object of the enactment of that eighth section? Was it not to go back to the original policy of prescribing boundaries to the limitation of free institutions, and of slave institutions, by a geographical line, in order to avoid all controversy in Congress upon the subject? Hence they extended that geographical line through all the territory purchased from France, which was as far as our possessions then reached. It was not simply to settle the question on that piece of country, but it was to carry out a great principle, by extending that dividing line as far west as our territory went, and running it onward on each new acquisition of territory. True, the express enactment of the eighth section of the Missouri act, now called the Missouri compromise act, only covered the territory acquired from France; but the principles of the act, the objects of its adoption, the reasons in its support, required that it should be extended indefinitely westward, so far as our territory might go, whenever new purchases should be made.

Thus stood the question up to 1845, when the joint resolution for the annexation of Texas passed. There was inserted in that a provision, suggested in the first instance and brought before the House of Representatives by myself, extending the Missouri compromise line indefinitely westward through the territory of Texas. Why did I bring forward that proposition? Why did the Congress of the United States adopt it? Not because it was of the least practical importance, so far as the question of slavery within the limits of Texas was concerned, for no man ever dreamed that it had any practical effect there. Then why was it brought forward? It was for the purpose of preserving the principle, in order that it might be extended still further westward, even to the Pacific ocean, whenever we should acquire the country that far. I will here read that clause in the joint resolution for the annexation of Texas. It is the third article, second section, and is in these words:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the act of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 35 deg. 30 min. north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in each State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

It will be seen that that contains a very remarkable provision, which is, that when States lying north of 35 deg. 30 min. apply for admission, slavery shall be prohibited in their constitutions. I presume no one pretends that Congress could have power to tetter a State applying for admission into the Union; but it was necessary to preserve the principle of the Missouri compromise line in order that it might afterwards be extended, and it was supposed that while Congress had no power to impose any such limitation, yet as that was a compact with the State of Texas, that State could consent for herself, that when any portion of that territory should be formed into a new State, it should be in a particular form; but that provision would not be binding on the new State one day after it was admitted into the Union. The other provision was, that such States as should lie south of 35 deg. 30 min. should come into the Union, with or without slavery, as each should decide in its constitution. Then, by that act the Missouri compromise was extended indefinitely westward, so far as the State of Texas went, that is, to the Rio del Norte; for our Government at the time recognized the Rio del Norte as its boundary. We recognized in many ways, and among them by even paying Texas for it, in order that it might be included in, and form a portion of, the Territory of New Mexico.

Then, sir, in 1845 we acquired from Mexico the country between the Rio del Norte and the Pacific ocean. Immediately after that acquisition, the Senate, on my own motion, voted into a bill, a provision to extend the Missouri compromise indefinitely westward to the Pacific ocean, in the same sense, and with the same understanding with which it was originally adopted. That provision passed this body by a decided majority—I think by ten at least—and went to the House of Representatives, and was there defeated by northern votes.

Now, sir, let us pause and consider, for a moment. The first time that the principles of the Missouri compromise were ever abandoned, the first time they were ever rejected by Congress, was by the defeat of that provision in the House of Representatives in 1845. By whom was that defeat effected? By northern votes, with Free Soil proclivities. It was the defeat of that Missouri compromise that re-opened the slavery agitation with all its fury. It was the defeat of that Missouri compromise that created the tremendous struggle of 1850. It was the defeat of that Missouri compromise that created the necessity for making a new compromise in 1850. Had we been faithful to the principles of the Missouri compromise in 1845, this question would not have arisen. Who was it that was faithless? I understand to say it was the very men who now insist that the Missouri compromise was a solemn compact, and should never be violated or departed from. Every man who is now assailing the principle of the bill under consideration, so far as I am advised, was opposed to the Missouri compromise in 1845. The very men who now arraign me for a departure from the Missouri compromise, are the men who successfully violated it, repudiated it, and caused it to be superseded by the compromise measures of 1850. Sir, it is with rather bad grace that the men who proved false themselves, should charge upon me and others,

who were ever faithful, the responsibilities and consequences of their own treachery.

Then, sir, as I before remarked, the defeat of the Missouri compromise in 1845 having created the necessity for the establishment of a new one in 1850, let us see what that compromise was.

The leading feature of the compromise of 1850 was congressional non-intervention as to slavery in the Territories; that the people of the Territories, and of all the States, were to be allowed to do as they pleased upon the subject of slavery, subject only to the provisions of the Constitution of the United States.

That, sir, was the leading feature of the compromise measures of 1850. Those measures therefore, abandoned the idea of a geographical line as the boundary between free States and slave States; abandoned it because compelled to do it from an inability to maintain it; and in lieu of that, substituted a great principle of self-government, which would allow the people to do as they thought proper. Now, the question is, when that principle of freedom was established, was it not the abandonment of the old one—the geographical line? Was it not a supercession of the old one within the very language of the substitute for the bill which is now under consideration? I say it did supersede it, because it applied its provisions as well to the north as to the south of 36 deg. 30 min. It established a principle which was equally applicable to the country north as well as south of the parallel of 36 deg. 30 min.—a principle of universal application. The authors of this abolition manifesto attempt to refute this presumption, and maintain that the compromise of 1850 did not supersede that of 1820, by quoting the proviso in the first section of the act to establish the Texas boundary, and establish the Territory of New Mexico. That proviso was added by way of amendment, on motion by Mr. MASO, of Virginia.

I repeat, that in order to rebut the presumption, as I before stated, that the Missouri compromise was abandoned and superseded by the principles of the compromise of 1850, these confederates cite the following amendment, offered to the bill to establish the boundary of Texas and create the Territory of New Mexico in 1850:

"Provided, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise."

After quoting this proviso, they make the following statement, and attempt to gain credit for its truth by suppressing material facts which appear upon the face of the same statute, and, if produced, would conclusively disprove the statement:

"It is solemnly declared in the very compromise act that nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise."

I will now proceed to show that presumption could not go further than is exhibited in this declaration.

They suppress the following material facts, which, if produced, would have disproved their statement: They first suppress the fact that the same section of the act cuts off from Texas, and cedes to the United States, all that part of Texas which lies north of 36 deg. 30 min. They then suppress the fact that the same section of the act cuts off from Texas a large tract of country on the west, more than three degrees of longitude, and added it to the territory of the United States. They then suppress the further fact that this territory thus cut off from Texas, and to which the Missouri compromise line did apply, was incorporated into the Territory of New Mexico. And then what was done? It was incorporated into that Territory with this clause:

"That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of its adoption."

Now, sir, the very bill and section from which they quote cut off all that part of Texas which was to be free by the Missouri compromise, together with some on the south side of the line, incorporates it into the Territory of New Mexico, and then says that that Territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper.

What else does it do? The sixth section of the same act provides that the legislative power and authority of this said Territory of New Mexico shall extend to all rightful subjects of the United States, and the provisions of the act not excepting slavery. Thus the New Mexican bill, from which they make that quotation, contained the provision that New Mexico, including that part of Texas which was cut off, should come into the Union with or without slavery, as it saw proper; and in the mean time that the Territorial Legislature should have all the authority over the subject of slavery that they had over any other subject, restricted only by the limitations of the Constitution of the United States and the provisions of the act. Now, I ask those Senators, and all who are applied to that country cut off from Texas, do they not annul it? Do they not supersede it? If they do, then the address which has been put forth to the world by these confederates is an atrocious falsehood. If they do not, then what do they mean when they charge me with having, in the substitute first reported from the committee, repealed it, with having annulled it, with having violated it, when I only copied those precise words? I copied the precise words into my bill as reported from the committee which were contained in the New Mexico bill. They say my bill annuls the Missouri compromise. If it does, it had already been done before by the act of 1850, for those words were copied from the act of 1850.

Mr. WADSWORTH. Why did you do it over again?

Mr. DOUGLASS. I will come to that point presently, and explain why we did it over again. I am now dealing with the truth and veracity of a combination of men who have assembled in secret caucus upon the Sabbath day, to arraign my conduct and belie my character. I say, therefore, that their manifesto is a slander either way; for it says that the Missouri compromise was not superseded by the measures of 1850, and then it says that the same words in my bill do repeal and annul it. They must be adjudged guilty of a falsehood in order to sustain the other assertion.

Now, sir, I propose to go a little further, and show what was the real meaning of the amendment of the Senator from Virginia, out of which these gentlemen have manufactured so much capital in the newspaper press, and have succeeded by that misrepresentation in procuring an expression of opinion from the State of Rhode Island in opposition to this bill. I will state what its meaning is. It did mean that the States north of 36 deg. 30 min. should have a clause in their constitutions prohibiting slavery! I have shown that it did not mean that, because the same act says that they might come in with slavery if they saw proper. It says it could not mean that for another reason. The same section containing that proviso cut off all that part of Texas north of 36

deg. 30 min. and hence there was nothing for it to operate upon. It did not, therefore, relate to the country cut off. What did it relate to? Why, it meant simply this! By the joint resolution of 1845 Texas was annexed, with the right to form four additional States out of her territory, and such States as were south of 36 deg. 30 min. were to come in with or without slavery, as they saw proper; and in such State or States as were north of that line, slavery should be prohibited. When we had cut off all north of 36 deg. 30 min. and thus circumscribed the boundary and diminished the territory of Texas, the question arose, how many States will Texas be entitled to under this circumscribed boundary? Certainly not four, it will be argued. Why? Because the original resolution of annexation provided that one of the States, if not more, should be north of 36 deg. 30 min. It would leave it, then, doubtful whether Texas was entitled to two or three additional States under the circumscribed boundary.

In order to put that matter to rest, in order to make a final settlement, in order to have it explicitly understood, what was the meaning of Congress, the Senator from Virginia offered the amendment that nothing therein contained should impair that provision, either as to the number of States or otherwise; that is, that Texas should be entitled to the same number of States with her reduced boundaries as she would have been entitled to under her larger boundaries, and those States shall come in with or without slavery, being all south of 36 deg. 30 min. and nothing to impair that right shall be inferred from the passage of the act. Such, sir, was the meaning of that proposition. Any other construction could only satisfy the very character and purpose of its mover, the Senator from Virginia. Such, then, was not only the intent of the mover, but such is the legal effect of the law; and I say that no man, after reading the other sections of the bill, those to which I have referred, can doubt that such was both the intent and the legal effect of that law.

Then I submit to the Senate if I have not convicted this manifesto, issued by the Abolition confederates, of being a gross falsification of the laws of the land, and by that falsification an erroneous and injurious impression has been created upon the public mind. I am sorry to be compelled to indulge in language of this severity; but there is no other language that is adequate to express the indignation which I see this attempt, not only to mislead the public, but to malign my character by deliberate falsification of the public statutes and the public records.

Sir, this misrepresentation and falsification does not stop here. In order to give greater plausibility to their statement, they go further, and state that "it is solemnly declared, in the very compromise acts, that nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise."

In the very teeth of the statute, saying that they should come in with or without slavery as they pleased, these men declare that it is stated that it should be forever prohibited. I repeat to them, "Could presumption go further?" Not only presumption in making these statements, but the presumption that they could avoid the exposure of their conduct.

In order to give greater plausibility to this falsification of the terms of the compromise measures of 1850, the confederates also declare in their manifesto that they (the territorial bills for the organization of Utah and New Mexico) "applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits."

I submit to the Senate if there is an intelligent man in America who does not know that that declaration is falsified by the statute from which they quoted! They say that the provisions of that bill were confined to the territory acquired from Mexico, when the very section of the law from which they quoted that proviso did much more than that. That very section of the law included that territory in the new Territory of Mexico. It took a small portion, also, of the old Louisiana purchase, and added that to the new Territory of Mexico, and made up the rest out of the Mexican acquisitions. Then, sir, your statutes show, when applied to the map of the country, that the Territory of New Mexico was composed of territory acquired from Mexico, and also of territory acquired from Texas and of territory acquired from France; and yet, in defiance of that statute, they in substance say that the provisions of that law were confined to the territory from the State of Texas. And the next section of the law included that territory in the new Territory of Mexico. It took a small portion, also, of the old Louisiana purchase, and added that to the new Territory of Mexico, and made up the rest out of the Mexican acquisitions. Then, sir, your statutes show, when applied to the map of the country, that the Territory of New Mexico was composed of territory acquired from Mexico, and also of territory acquired from Texas and of territory acquired from France; and yet, in defiance of that statute, they in substance say that the provisions of that law were confined to the territory from the State of Texas.

And in order to give it greater solemnity, as was necessary while uttering a falsehood, they repeat it twice, fearing that it would not be believed the first time. What is more, the Territory of Utah was not confined to the country acquired from Mexico. That Territory, as is well known to every man who understands the geography of the country, includes a large tract of rich and fertile country acquired from France in 1803, and to which the eighth section of the Missouri act applied in 1820. If those confederates do not know what country I allude to, I only reply that they should have known before they uttered a falsehood, and imputed a crime to me.

But I will tell you to what country I allude. By the treaty of 1819, by which we acquired Florida, and fixed a boundary between the United States and Mexico, the boundary was made of the Arkansas river to its source, and then the line ran due north of the source of the Arkansas to the 42d parallel, then along on the 42d parallel to the Pacific ocean. That line, due north from the head of the Arkansas, leaves the whole Middle Park, described in such glowing terms by Colonel Fremont, to the east of the line, and hence a part of the Louisiana purchase. Yet, inasmuch as that Middle Park is watered and drained by the waters flowing into the Colorado, when we formed the territorial limits of Utah, instead of running that line, we ran along the ridge of the mountains, and cut off that part from Nebraska, or from the Louisiana purchase, and included it within the limits of the Territory of Utah.

Why did we do it? Because we sought for a national boundary; and it was more natural to take the mountains as a boundary than to run a line to cut the valleys on one side of the mountains, and annex them to the country on the other side. And why did we take these natural boundaries, setting at defiance the old boundaries? The simple reason was, that so long as we acted upon the principle of settling the slave question by a geographical line, so long we observed those boundaries strictly and rigidly; but when that was abandoned, in consequence of the action of Free-Soilers and Abolitionists—when it was superseded by the compromise measures of 1850, which rested upon a great universal principle—there was no necessity for keeping in view the old and unnatural boundary. For that reason, in making the new Territory of Utah, we formed natural boundaries irrespective of the source whence the title was derived. In writing these bills I paid no attention to the fact whether the title was acquired from Louisiana, from France, or from Mexico; for what difference did it make? The

principle which we had established in the bill would apply equally well to either.

In fixing those boundaries I paid no attention to the fact whether they included old territory or not—whether the country was covered by the Missouri compromise or not. Why? Because the principle established in the bills superseded the Missouri compromise. For that reason we disregarded the old boundaries—disregarded the territory to which it applied, and disregarded the source from whence the title was derived. I say, therefore, that a close examination of this act clearly establishes the fact that it was the intent as well as the legal effect of the compromise measures of 1850 to supersede the Missouri compromise, and all geographical and territorial lines.

Sir, in order to avoid any misconception, I will state more distinctly what my precise idea is upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri compromise provision, to that extent they absolutely annulled the Missouri compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the compromise of 1850. We all know that the object of the compromise measures of 1850 was to establish certain great principles, which would avoid the slavery agitation in all time to come. Was it our object simply to provide for a temporary evil? Was it our object just to heal over an old sore, and leave it to break out again? Was it our object to adopt a more miserable expedient to apply to that territory, and that alone, and leave ourselves entirely at sea without compass when new territory was acquired, or new territorial organizations were to be made? Was that the object for which the eminent and venerable Senator from Kentucky [Mr. CLAY] came here and sacrificed even his last energies upon the altar of his country? Was that the object for which WESTLER, CLAY, CASS, and all the patriots of that day, struggled so long and so strenuously? Was it merely the application of a temporary expedient in agreeing to stand by past and dead legislation that the Baltimore platform pledged us to sustain the compromise measures of 1850 as an article of political faith, that they were only agreeing to that which was past, and had no reference to the future? If that was their meaning—if that was their object—they palmed off an atrocious fraud upon the American people. Was it the meaning of the Democratic party, when we pledge ourselves to stand by the compromise of 1850, that we spoke only of the past, and had no reference to the future? If so, it was then a fraud. When we pledged our President to stand by the compromise measures, did we not understand that we pledged him as to his future action? Was it as to his past conduct? If it had been in relation to past conduct only, the pledge would have been untrue as to a very large portion of the Democratic party. Men went into that convention who had been opposed to the compromise measures—men who abhorred those measures when they were pending—men who never would have voted affirmatively on them. But inasmuch as those measures had been passed, and the country had acquiesced in them, and it was important to preserve the principle in order to avoid agitation in the future, these men said, we waive our past objections, and we will stand by you and with you in carrying out those principles in the future.

Such I understood to be the meaning of the two great parties at Baltimore. Such I understand to have been the effect of their pledges. If they did not mean this, they meant merely to adopt resolutions which were never to be carried out, and which were designed to mislead and deceive the people for the mere purpose of carrying an election.

I hold, then, that as to the territory covered by the Utah and New Mexico bills, there was an express annulment of the Missouri compromise; and as to all the other unorganized territories, it was superseded by the principles of the compromise of 1850, and we are bound to apply those principles in the organization of all new Territories, to all which we now own, or which we may hereafter acquire. If this construction be given, it makes that compromise a final adjustment. No other construction can possibly impart finality to it. By any other construction the question is to be reopened the moment you ratify a new treaty acquiring an inch of country from Mexico. By any other construction you re-open the issue every time you make a new territorial government. But, sir, if you treat the compromise measures of 1850 in the light of great principles, sufficient to remedy temporary evils, at the same time that they prescribe rules of action applicable everywhere in all time to come, then you avoid the agitation forever, if you observe good faith to the provisions of those enactments, and the principles established by them.

Mr. President, I repeat, that so far as the question of slavery is concerned, there is nothing in the bill under consideration which does not carry out the principle of the compromise measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong. If that principle is right, the bill is right. It is unnecessary to quibble about phraseology or words; it is not the mere words, the mere phraseology, that our constituents wish to judge by. They wish to know the legal effect of our legislation.

The legal effect of this bill, if it be passed as reported by the Committee on Territories, is neither to legislate slavery into these Territories nor out of them, but to leave the people to do as they please, under the provisions and subject to the limitations of the Constitution of the United States. Why should not this principle prevail? Why should any man, north or south, object to it? I will especially address the argument to my own section of country, and ask why should any northern man object to this principle? If you will review the history of the slavery question in the United States, you will see that all the great results in behalf of free institutions which have been worked out, have been accomplished by the operation of this principle, and by it alone.

When these States were colonies of Great Britain, every one of them was a slave-holding province. When the Constitution of the United States was formed, twelve out of the thirteen were slave-holding States. Since that time six of those States have become free. How has this been effected? Was it by virtue of abolition agitation in Congress? Was it in obedience to the dictates of the Federal Government? Not at all; but they have become free States under the silent but sure and irresistible working of that great principle of self-government which teaches every people to do that which the interests of the masses and their posterity morally and pecuniarily may require.

Under the operation of this principle New Hampshire became free, while South Carolina continued to hold slaves; Connecticut abolished slavery, while Georgia held on to it; Rhode Island abandoned the institution, while Maryland preserved it; New York, New Jersey, and Pennsylvania abolished slavery, while Virginia, North Carolina, and Kentucky retained it. Did they do it at your bidding? Did they do it at the dictation of the Federal Government? Did they do it in obedience to any of your Wilnot measures or